

and in fact engages that product. At most the patents show embossed sheets of material to be used for such things as a separator in a battery. None of the references disclose providing "raised surfaces adapted to engage a portion of pizza dough so as to retain the engaged dough in a non-circular shape." Also none of the references disclose the first and second means of claim 5 or their arrangement for the purpose of keeping pizza dough in a particular shape. Furthermore, no one skilled in the art of pizza preparation materials would consider the art cited to be analogous art. Therefore it should be given little or no weight in considering patentability of the present invention.

In view of these differences the Applicant respectfully submits that the refines cannot be said to anticipate or render obvious the present invention. Therefore the Examiner is asked to reconsider and withdraw the outstanding rejections and to issue a Notice of Allowance.

Applicant has submitted a request for a one month extension of time with this filing.

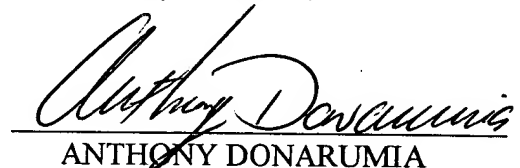
If the Examiner has any questions, he is invited to call the Applicant at (631) 242-1308.

Dated: June , 2003

Address: 474 Kime Ave.
West Islip, NY 11795

Respectfully submitted,

By:


ANTHONY DONARUMIA



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APPENDIX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Anthony Donarumia

Serial No.: 09/923,219

Examiner: Donald J. Loney

Confirmation No.: 8972

Art Unit: 1772

Filed: 08/07/2001

For: Apparatus for use with pizza dough

Mail Stop ____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

In response to the Official Action dated March 4, 2003, a request for a one month extension of time having been filed in connection with this response, please amend the above-identified patent application in the following manner.

IN THE CLAIMS:

Please cancel claims 1 and 2 without prejudice or disclaimer of the subject matter contained therein. Please add the following new claims.

NEW CLAIMS

3. A pizza dough retaining sheet, comprising: a flat sheet of plastic having, a non-circular shape, with no side edges, a plurality of embossed portions, each embossed portion including a plurality of raised surfaces adapted to engage a portion of pizza dough so as to retain the engaged dough in a non-circular shape.
4. The retaining sheet of claim wherein said non-circular sheet is approximately rectangular.

5. A product comprising: a sheet of non-circular plastic including, first means for engaging a first surface of pizza dough, second means for engaging a first surface of pizza dough, wherein said first and second means are positioned with respect to one another on such sheet so as to retain the pizza dough in a non-circular shape.

REMARKS

Claims 3 to 5 are now in this application. Claims 1 and 2 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The Examiner rejected claims 1 and 2 under 35 U.S.C. Sect. 112, second paragraph as being improperly directed to an apparatus. While the applicant in no way conceded the correctness of the Examiner's assertion that an apparatus claim must be directed to something with moving parts, the issue is moot because claims 1 and 2 have been replaced by new claims 3 to 5 which are directed to items that would constitute products.

The Examiner rejected the original claims in view of three pieces of prior art: U.S. Patent No. 4,000,352 to Hollenbeck et al. ; U.S. Patent No. 3,832,267 to Liu; U. S. Patent No. 3,484,835 to Trounstein et al.; and U.S. Patent No. 2,285,335 to Hurt. It is respectfully submitted that none of these references anticipate or render obvious claims 3 to 5. More specifically none of the references have anything to do with a product that deals with a food product like pizza dough and in fact engages that product. At most the patents show embossed sheets of material to be used for such things as a separator in a battery. None of the references disclose providing "raised surfaces adapted to engage a portion of pizza dough so as to retain the engaged dough in a non-circular shape." Also none of the references disclose the first and second means of claim 5 or their arrangement for the purpose of keeping pizza dough in a particular shape. Furthermore, no one skilled in the art of pizza preparation materials would consider the art cited to be analogous art. Therefore it should be given little or no weight in considering patentability of the present invention.

In view of these differences the Applicant respectfully submits that the refines cannot be said to anticipate or render obvious the present invention. Therefore the Examiner is asked to

reconsider and withdraw the outstanding rejections and to issue a Notice of Allowance.

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